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Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1433rd Meeting

Tuesday, 12 July 1994, 10.00 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . . (Cuba)

The meeting was called to order at 10.25 a.m.

Question of Gibraltar (A/AC.109/1195)

The Chairman *(interpretation from Spanish)*: The Committee has before it a working paper prepared by the Secretariat, contained in document A/AC.109/1195.

I wish to inform members that the delegation of Spain has asked to participate in the Committee's consideration of this question. In accordance with established practice and if I hear no objection, I shall invite the delegation of Spain to take a place at the Committee table.

At the invitation of the Chairman, Mr. de Zulueta (Spain) and members of his delegation took a place at the Committee table.

The Chairman *(interpretation from Spanish)*: Similarly, I wish to inform members that the Chief Minister of Gibraltar, the Honourable Joe Bossano, has asked to make a statement. In conformity with the usual practice, I propose, with the consent of the Committee, to invite him to do so.

It was so decided.

At the invitation of the Chairman, Mr. Joe Bossano, Chief Minister of Gibraltar, took a place at the Committee table.

The Chairman *(interpretation from Spanish)*: I now call on the Chief Minister of Gibraltar.

Mr. Bossano: Thank you, Sir, for giving me the opportunity once again to address the Special Committee on behalf of the people of Gibraltar. I should like first to take this opportunity to place on record my appreciation for the warmth of the reception I had from your predecessor, Ambassador Renagi Renagi Lohia, on my first appearance before this Committee in 1992 and indeed on my second one in 1993.

I can assure the Committee that I was made to feel at home and among friends from the first day I came. That encouraged me to look to this Committee - and it encouraged the people of Gibraltar to look to this Committee - as the forum where we could express our deep-seated feelings on having our right as a colonial people recognized and vindicated.

I should like to say that I have reported this back in Gibraltar faithfully. Indeed, the text of my presentation and my appearance before the Special Committee have been transmitted by Gibraltar television and widely covered by our own press. In doing this, I believe we have been making a small contribution towards the fulfilment of General Assembly resolution 43/46 of 22 November 1988 on the dissemination of information on decolonization, which called for widespread and continuous publicity to be given to the work of the United Nations in the field of decolonization and in particular to the work of the Special Committee - a resolution, of course, which the administering Power voted against but which the territorial Government in Gibraltar fully supports.

Since my last appearance before this Committee, the General Assembly has adopted another resolution on the

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dissemination of information on decolonization: resolution 48/53 of 10 December 1993. This new resolution, adopted some six months ago, again did not enjoy the support of the administering Power. The resolution reiterated many of the sentiments expressed in the one I referred to earlier. In addition, it requested the Secretary-General to seek the full cooperation of the administering Power in a number of areas and to increase the information about the territories under consideration by the Special Committee. It highlighted the importance of publicity as an instrument for furthering the aims of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of the role of public opinion in effectively assisting the peoples of the colonial territories to achieve self-determination and independence.

I believe that my appearance before this Committee serves to assist the aims of that resolution. Indeed, I would ask the Committee to look at the working paper prepared by the Secretariat. They will see how I have consistently, on behalf of my people - not just before the Special Committee and the Fourth Committee, but at every other opportunity that I have had to speak internationally - made the same point. The support of my people for the eradication of colonialism by the year 2000 and the desire of my people to cooperate fully with the Special Committee in achieving this end, I think, help to create a climate of public opinion propitious to the recognition of the inalienable right of the people of Gibraltar to self-determination, which I believe is what the resolution aims to do.

The General Assembly adopted another resolution, resolution 48/52, on the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples, also on 10 December 1993. I will make reference at this point to just one element of this other resolution, because I believe it is linked to the question of dissemination of information on decolonization.

Paragraph 11 of resolution 48/52 also called upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to receive visiting missions to the Territories to secure first-hand information and ascertain the wishes and aspirations of their inhabitants.

This resolution again was not supported by the administering Power. But it has the support of my Government - the territorial Government. I regret to have to inform you, Mr. Chairman, that although my Government has requested the administering Power to make the necessary arrangements to issue an invitation for a mission of the Special Committee to visit our country to secure first-hand information and ascertain the wishes and aspirations of its inhabitants, the proposal has been declined.

Although I appreciate that the resolution calls upon the administering Power to do this, I would put it to the Special Committee that it does not prohibit the territorial Government of the Non-Self-Governing Territory from actually, on its own initiative, issuing such an invitation, and I wish to take this opportunity to do so now, formally and openly. I believe that there is no better way of proving to this Committee the accuracy of the information that I am providing to assist it in carrying out its mandate than to give a delegation of the Committee an opportunity to come to Gibraltar and to establish the reality of our situation and the reality of our identity as a people, at first hand and for themselves.

There is much in resolution 48/52 which seems to us to be of direct relevance to the colonial situation in Gibraltar. Let me say that my Government is enormously encouraged when it reads in paragraph 4 of the resolution that the General Assembly affirms once again its support for the aspirations of the people under colonial rule to exercise their right to self-determination and independence. It is now 30 years since the Committee was made aware of the aspirations of the people of Gibraltar to exercise their right to self-determination. Let me say that those 30 years have not weakened our resolve, but, on the contrary, have made us more determined than ever to ensure that nobody takes this right away from us.

There is nothing in resolution 48/52 to suggest that Gibraltar is in any way different in this respect from any other colonial Territory. As I pointed out in my previous appearances before the Special Committee, in 1992 and 1993, there are many instances where the universality and applicability of the paramountcy of the principle of self-determination over every other competing criterion has been asserted again and again. Yet I feel I should expand on this particular point to be able to satisfy the Special Committee of the real identity of the people of Gibraltar and to expose once and for all the fallacy of the arguments used, a quarter of a century ago, to try and deny us this right. I am doing this with paragraph 10 of the resolution particularly in mind. It requests the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out those actions requested by the General Assembly regarding the International Decade for the Eradication of Colonialism in

all Territories that have not yet exercised their right to self-determination and independence. Paragraph 10, in particular, asks the Special Committee to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its forty-ninth session.

I said earlier that there was much in resolution 48/52 which was directly applicable to Gibraltar. Reading the wording of this resolution, of 10 December last year, I do not think anybody can come to the conclusion that it is anything other than what it is - a request addressed to your Committee, Mr. Chairman, by the General Assembly to come up with proposals solely and exclusively from the perspective of giving effect to the right to self-determination and independence of the colonial peoples in each of the 18 Non-Self-Governing Territories, in respect of which the Special Committee continues to have a mandate. I have just referred to the specific request in paragraph 10 of the resolution. If you will bear with me, Mr. Chairman, I will quote what paragraph 10 (a) asks of this Committee:

> "To formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its forty-ninth session".

In paragraph 10 (d), the Committee is asked

> "To continue to pay special attention to the small Territories, in particular through the dispatch of regular visiting missions",

to which, of course, I have already referred, when I made it clear that such a visiting mission would be very welcome as far as the territorial Government is concerned. The paragraph goes on to ask the Committee

> "to recommend to the General Assembly the most suitable steps to be taken to enable the population of those Territories to exercise their right to self-determination and independence".

I attach enormous importance to those words. I would like to make sure that I am pre-empting in my submission to the Special Committee any possible attempt to get this Committee to put any proposals to the General Assembly at its forty-ninth session on any other basis than that which is requested by the resolution. The resolution does not call on the Special Committee to question the right to self-determination of any of the colonial peoples because of territorial claims from neighbouring States.

I put it to you, Mr. Chairman, that in deliberating, as you undoubtedly will be doing in your Committee, as to how you respond to this request, and as to what specific proposals your Committee decides to make to the General Assembly in respect of each one of the Territories where there continues to be a manifestation of colonialism, the only point which the General Assembly has asked the Committee to consider in these deliberations is what is the best way in which the people of the Territory will be enabled to exercise their right to self-determination. I put it to you, Mr. Chairman, that any attempt to treat Gibraltar differently - to say to the Gibraltarians, "In your case we are talking about a territorial claim dating from 290 years ago" - would not be a way for the population to exercise its inalienable right to self-determination; on the contrary, it would be a way of perpetuating colonialism and denying it the right of self-determination. That, in fact, would be a negation of resolution 48/52 and a negation of the task of the Special Committee.

The position of my Government, repeated on every conceivable occasion, whenever I have appeared before this Committee and at every other opportunity, has been that it is impossible to have decolonization without self-determination. Decolonization does not take place until the exercise of self-determination by the native population of the colonial Territory has manifestly and independently been given effect. I am highlighting this particular element above all others, as the Committee can see, because this is the most important task that I have to carry out this year in my presentation to the Special Committee on behalf of my people to ensure that we do not have, or that we do not run the risk of having, a repetition of the mistakes of the past, which would make the achievement of Gibraltar's decolonization less, rather than more, likely to happen.

Although, unlike the administering Power, the Kingdom of Spain voted in support of resolution 48/52, we all know that it has argued that the principle of self-determination is not applicable in our case. This is an argument that we refute, an argument that was first paraded here 30 years ago. And therefore, with the Committee's indulgence, I should like to demonstrate the total inapplicability of that argument today, if, indeed, there was ever any substance in it 30 years ago.

I genuinely believe that if less than due regard was paid some 25 to 30 years ago to our people's right of self-determination, it was because the picture of Gibraltar was

coloured by the predominance of military activity in the structure of the economy.

In my appearance before the Fourth Committee on 12 October 1993, I drew attention to this when I pointed out that in 1967, before that same Fourth Committee, the Spanish Government, when challenged by the British Government to state whether Spain would accept self-determination for Gibraltar, responded that the United Kingdom should first dismantle its military presence and then Spain would be willing to answer the question. I pointed out that the military presence had been dismantled in the intervening 30 years and that there was no obvious indication that Spain's position on the rights of the people of Gibraltar had changed.

I should like to draw on a reference to expand on this point. It is a statement made by the Spanish Government on 18 May 1966 in a note containing proposals for Gibraltar's decolonization and making reference to the people of Gibraltar. I pick this reference because the Committee may be better equipped than I to assess its significance. We were described in that statement as an artificially constituted human group. The statement said:

> "Gibraltar is also a human aggregate, and this is another aspect of the problem. Great Britain's pretension is today that the inhabitants of the Rock should decide upon its future, thus linking by the method of self-determination the Territory with its inhabitants; this basically alters the original terms of the situation, which was that of a bilateral relationship between England and Spain, but from which, however, Spain has been excluded for the benefit of a third party. But this third party is not valid because Gibraltar is merely a military base, and a base can only belong either to a country that occupies it or to the country in whose territory it stands. Anything else would be as absurd, for instance, as to maintain that the American base at Guantanamo in Cuba, should stop being American, without reverting to Cuba either, but should have its fate decided by an alleged population living there."

I am not familiar with Guantanamo in Cuba, but I can state with assurance that there is no military base to speak of in Gibraltar; that the people of Gibraltar have got a sense of identity that stretches over 290 years; that that identity is stronger today, with no military base, than it was in the 1960s with a military base; and that I have no doubt, Mr. Chairman, that if you visited us, as I should like you to do, you would come to that conclusion yourself.

One of the developments in the Territory since I last appeared before the Committee has been the creation of a public holiday to celebrate our National Day on 10 September. I referred to this in my appearance before the Fourth Committee in October 1993. There are two factors that I would like the Special Committee to consider in relation to our National Day. The celebrations on Gibraltar's National Day produced, as the Committee will see reflected in the informative booklet that I am making available to members, an explosion of sentiment.

It was a celebration by a people finally coming of age and expressing the kind of feeling that we have seen reflected in other parts of the world in the process of decolonization - the kind of celebration we saw in the streets of Cape Town with the ending of apartheid. It was a day of friendship, a day for families, a day when the people of Gibraltar were telling the whole world that they were not just a human aggregate clinging to a military base, but a real people with a real destiny.

Another feature of that day was the presence of a number of political figures from our neighbouring country, the Kingdom of Spain, who joined us and celebrated with us. In what is known as the Casemates Declaration, because it was read out at a mass meeting in Casemates Square in Gibraltar, a number of representative organizations from various regions of Spain gave their support to the right of self- determination of the people of Gibraltar. In that Declaration, the Spanish organizations stated:

> "We express our firm support to the people of Gibraltar for their right to self-determination and decolonization, on the basis that it is only the people of Gibraltar who can decide their future political status, over and above the interests of Madrid and London and the Treaty of Utrecht, including the option of independence should the people of Gibraltar so decide."

I genuinely believe that even though the official position of the Kingdom of Spain has not changed - as we will hear shortly, no doubt - a wind of change is blowing through Spain that is inexorably bringing that country face to face with the reality of the identity of the Gibraltarians and of their right to self-determination as the only route available for eliminating the anachronism of a colony in Western Europe.

What happened in 1993 was in some respects the culmination of a process which started as long ago as 1945,

and again, I reflect this in the informative booklet that I am making available. During the Second World War, the bulk of the civilian population were evacuated from the colony by the administering Power in order to accommodate more armed forces in the fight against fascism. The Gibraltarian women and children - and I was one of them, only a few months old - who left their homes did so acknowledging that that was their contribution to the war effort. However, after the war, it took a struggle to get Gibraltarians repatriated from the places to which they had been transported - from London and from camps in Jamaica, in Madeira, and in Northern Ireland. If the people of Gibraltar had not already been a real people, if they had been, as we were described in 1966, an artificially constituted human group, they would have had no difficulty in taking root in the places that they had been transported to.

The genesis of politics in Gibraltar in the civilian population was the drive to be brought back home. And that sense of identity which coalesced in the return to our homeland was kept alive and has evolved today into a very clear concept that we will not be moved from our determination to get recognition for our country. It was this civil-rights movement that led to demands for local autonomy and for self-government in the early 1950s. It was the same sentiment that existed contemporaneously in every other colony seeking self-determination. That process continued until the constitutional changes of the 1960s.

There has been, since the 1969 Constitution, little change to the legal status of Gibraltar and the legal relationship with the administering Power. In my judgement, it is the hostility of our neighbour to further constitutional development that has been the influencing factor.

I put it to this Committee that, apart from the ultimate goal of decolonization and the exercise of self-determination, the continuing process of increasing self-government is part of the philosophy of the Special Committee, of the Fourth Committee and of the United Nations. It was on this basis that my Government in 1992 told the administering Power that since we believed that a Constitution that had remained unchanged for 25 years no longer adequately reflected the reality of the responsibilities that the territorial Government bore for the economy, for the welfare and for the development of our country, it had to be addressed.

An aspect of the constitutional relationship with the United Kingdom on which members of this Committee focused in the 1960s in parallel to their concern about the military presence was the question of the reserve powers of the military Governor of Gibraltar. The Committee was told at that time that those reserve powers had never been used, nor were they likely to be. Those reserve powers remain in the Constitution of 1969, and again, although the powers are there, it has been stated on more than one occasion that it is inconceivable that they would actually be put into operation. Just such a point was made by the Governor of Gibraltar, Sir Derek Reffell, in March 1993 in an interview in the *Gibraltar Chronicle* on his departure from Gibraltar, when he stated that the use of the reserve powers in today's world was unthinkable.

Returning to the text of resolution 48/52 of the General Assembly, paragraph 8 calls upon the administering Powers to terminate military activities in the Territories under their jurisdiction and to eliminate military bases there, in compliance with the relevant resolution of the General Assembly. I would like to draw the attention of the Special Committee to some effects of this military rundown.

In the informative booklet that I am providing to the Special Committee, the effect of this can be seen in dramatic terms. The economic input of that military presence has been reduced from 65 per cent of our gross domestic product in the 1960s to approximately 9 per cent today. Only last week, the Ministry of Defence announced that there would be further reductions, which would result in a decline of the military base to 3 or 4 per cent of the gross domestic product and employment by the year 2000.

I am absolutely confident of our ability to survive economically and to provide our people with a secure future, given an equal opportunity to compete without harassment by the neighbouring State, and given the technical and financial assistance by the administering Power necessary in order to introduce the needed changes in the structure of our economy. This is not to say that the reductions that have already taken place have not given rise to difficulties in our country. I would like to draw the attention of the Special Committee to some effects of this military run-down.

The military withdrawal has an impact on the release of assets and land. However, my Government has limited resources at its disposal for transforming obsolete military buildings and installations into income-generating and job-creating activities in the short term; moreover, such

buildings are sometimes released faster than other uses for them can be found. They very quickly become liabilities on the limited resources of the Government of the Territory. I am spelling this out to show that there are difficulties.

Recently we have set up a Joint Economic Forum together with the administering Power to look at the resources, human and physical, that will become available as a consequence of the transfer of lands to the territorial Government and to analyse what is required in order to bring about inward investment and generate alternative economic activities to substitute for the input previously provided by British defence expenditure in Gibraltar. This process has been going on for a very short time; it started only a few months ago. Nevertheless, it is the way we believe the matter should be tackled, based on the concept to which the British Government subscribed in the London Conference on Dependent Territories last November, which is referred to in the Secretariat working paper (A/AC.109/1195).

The view I expressed at that Conference, for the record, was that the administering Power, in relation to the colonial Territory, had a trusteeship role for which it had to answer to this Committee, to the Fourth Committee and to the General Assembly. Frankly, my concern is that in our experience of the bilateral negotiations between the administering Power and the Kingdom of Spain, areas of common interest for both parties are often closely scrutinized, while the wishes of the people of the colonial territory, and indeed their interests, are relegated to second place. The fact that we are not a self-governing territory does not mean, as far as my Government is concerned, that others have the right to govern us. It means that others are acting *in loco parentis* on our behalf and assuming a protective role until we are strong enough to be able to govern ourselves.

I come now to the much-vaunted bilateral negotiating process which the administering Power and the neighbouring country have been intermittently engaged in since the 1960s, in pursuance of resolutions calling on them to meet to discuss Gibraltar's future, and which clearly has now come to a stalemate. I have previously expressed the hope in my submissions to this Committee and to the Fourth Committee that the words of His Majesty the King of Spain about looking for a solution "in accordance with the times in which we live" were an indicator of a growing realization by the political establishment in the Kingdom of Spain that it is not possible to decolonize without the exercise of the right of self- determination. I regret to say that that goal today seems no nearer than it did in the 1960s. At the same time I have to say that we have no intention on giving up on that goal.

The Committee will have seen in the Secretariat's working paper the resolution passed by the democratically elected Parliament of the Kingdom of Spain on 20 April 1994. It reads as follows:

> "The Congress of Deputies urges the Government to take all necessary measures to regain the exercise of Spanish sovereignty over Gibraltar and to eliminate the British colonial presence." *(A/AC.109/1195, para. 31)*

It was adopted with one vote against, and one abstention.

What precisely in the minds of Spanish parliamentarians is the British colonial presence in Gibraltar today? Is it the shrinking military presence programmed virtually to disappear by the end of the century? Is it His Excellency the Governor with his reserve powers? Or, I ask myself, is it me and my people, because even today they consider us to be an artificially constituted human group, denied the inalienable human right to self-determination?

The bilateral process begun in 1985 between the administering Power and the neighbouring country provides for annual meetings between the Foreign Ministers of both countries, in each other's capitals, alternately. The last such meeting took place in March 1993. To date, there has been no meeting in 1994, and it looks unlikely that there will be one.

Mr. Solana, the Minister for Foreign Affairs of the Kingdom of Spain, reporting to the Foreign Affairs Committee of his Parliament, said that no date had been fixed for the next ministerial meeting and indicated that they were looking to the administering Power to come forward with concrete proposals before a further meeting was held.

Again, I have to be absolutely sincere with this Committee. We will shed no tears because the negotiating process initiated as a result of the Lisbon Declaration and the Brussels Agreement collapses. We have been opposed to it from the beginning, for reasons I made clear in my submissions to the Special Committee in 1992 and 1993 and again before the Fourth Committee.

The Spanish Government made specific proposals in 1985 to the administering Power for the decolonization of Gibraltar which were eventually rejected in 1993. We have never understood, in my Government and my party, why it should take Her Majesty's Government eight years to reject proposals which denied the people of Gibraltar the right of self-determination and, by definition, were in conflict with the consistently defended position of the British Government of respect for the wishes of the people of Gibraltar as enshrined in the Preamble to the Gibraltar Constitution.

What is manifest is that, whether the negotiating process comes to a grinding halt now or staggers on from year to year as it has done in the recent past, it is doomed to failure. This is because, as I have explained, the process is fundamentally flawed. It is a bilateral mechanism which carries implicit in it the abdication by the inhabitants of the colony of their fundamental rights. And that abdication is not going to happen.

Let me demonstrate just how counterproductive the negotiating process has been. The General Assembly, in its consensus decision 48/422 of 10 December 1993 - which, in fact, was a repetition of similar decisions of preceding years - makes reference to the bilateral negotiating process established as a result of the statement agreed by the Government of Spain and the Government of the administering Power at Brussels on 27 November 1984. This Committee is aware that the Brussels statement of 1984 has been consistently opposed by my party: in opposition and in Government. The Committee is also aware that the Government of the Territory led by me since 1988 has not participated in that negotiating forum. I explained that in detail in my first appearance before the Committee in 1992.

In 1993, I drew the attention of the Committee to the creation of an Economic Co-ordination Council set up by my Government with the neighbouring cities of the region. I explained that the aims of the Council were to establish and promote cooperation between ourselves and the neighbouring parts of southern Spain. I will not repeat what I had to say then, but I would simply highlight for the benefit of the Committee that this in fact was an initiative of Gibraltar aimed at promoting cooperation on a mutually beneficial basis with our neighbour without political strings attached and therefore outside the parameters of the so-called Brussels process. I regret to have to report that the work of the Economic Co-ordination Council was suspended in November last year and that on present indications the prospects of its being resumed and continued are not good. The initiative for not continuing with the work of the Council came from the Spanish participants. I have therefore to digress slightly to explain how this came about.

The Committee is well aware of the significance of the military presence in Gibraltar in the 1960s. It is aware that, at the time, part of the argument being put by the neighbouring country was that the maintenance of such military installations was possible only because the administering Power was drawing on the labour resources of the adjoining Territory. This was in fact quite true. There is no doubt that the decision of the regime in Spain at the time to impose a siege on Gibraltar was designed as much against the viability of the military installations by cutting off labour resources as it was to intimidate and weaken the resolve of the Gibraltarians to defend their inalienable right to self-determination.

One effect of the withdrawal of the Spanish workers was that they stopped paying contributions to the State Social Security System in Gibraltar in 1968. Their contributions before that year were sufficient only to finance payment of pensions at the rates prevailing then. On 18 December 1985, during the annual ministerial meeting held in Madrid under the bilateral Brussels process, there was an announcement on this issue. The United Kingdom delegation stated that, beginning in 1986, those former workers from Spain would receive pension payments revalued to the current rate payable to those who had continued in employment in Gibraltar after 1968. The effect of this was to increase the annual expenditure on State Social Security pensions by 125 per cent.

The additional funds were provided by the administering Power for a limited period and the Government that preceded mine in Gibraltar and had formed part of the United Kingdom delegation made clear from the very beginning in 1985 that such payments could only be sustained for as long as the necessary funding was provided by the administering Power. The payments in question were exhausted in December of last year and this is what sparked off in November the decision of the municipalities of the area to withdraw their participation in the Economic Co-ordination Council. We have therefore an example of how an initiative by my Government to further cooperation with the neighbouring cities in the region has been frustrated because of extraneous events stemming from the Brussels process.

Another example is in the area of maritime communications between Gibraltar and Spain. The daily

ferry service between ourselves and the Port of Algeciras in the Bay of Gibraltar was discontinued in June 1969 as part of the campaign by the then- fascist Government in Spain dissatisfied with so-called progress in the bilateral talks then being conducted with the administering Power. In the bilateral talks with the democratic Government in Spain in November 1984, an undertaking was given by the Kingdom of Spain to permit the restoration of the Algeciras-Gibraltar ferry service. This was reflected in the necessary Spanish legislation, which was published on 4 February 1985, removing all prohibitions. Subsequently, however, applications to operate the service were all administratively rejected. In December 1987, in the bilateral talks between the administering Power and the Kingdom of Spain, the democratic Government of Spain again signed an agreement giving a commitment to permit the restoration of the ferry service. To date, all applications continue to be administratively rejected.

The third example is what occurred in November 1987. As is known, an agreement was signed between the United Kingdom and the Kingdom of Spain over the use of Gibraltar's airport. Although the previous Gibraltar Government formed part of the United Kingdom delegation, it did not support the terms of the agreement and it has never been implemented. The Spanish response has been for its Foreign Secretary to demand repeatedly that the administering Power should ignore the fact that a clause in the 1987 airport agreement made it *ad referendum* to the Gibraltar Parliament and instead impose it.

The Spanish Government has on a number of occasions highlighted the fact that the continued existence of reserve powers for the Governor in Gibraltar's Constitution, to which I referred earlier, provides a mechanism for the administering Power to give effect to the 1987 airport agreement. For its part, the administering Power has made it clear that it does not accept the Spanish view and that it will not, under any circumstances, attempt to impose the agreement on the Territory against the wishes of the democratically elected Government.

These examples show how the presence of the Gibraltar Government as part of the United Kingdom delegation, but without its own independent voice, has led to situations which are diametrically opposed to the intended results. Additionally, the Brussels-process bilateral negotiations have demonstrated that where an agreement is reached with the Kingdom of Spain in an area which is entirely under its control there is no guarantee that it will be honoured. Rather than mutually beneficial cooperation, we have had increasing strains in the tripartite relations between the administering Power and the Kingdom of Spain on the one hand; between Spain and ourselves on the other; and between ourselves and the United Kingdom in turn. What more evidence do we need to show the flaws in the process that was agreed in the Brussels statement of 1984?

In summary, since the statement was made in Brussels in November 1984 the specifics have been: first, a commitment given by Spain to permit the restoration of maritime communications with my country interrupted on 27 June 1969, a commitment translated into an amendment to Spanish law, removing the prohibition given effect in February 1985, but subsequently administratively blocked by the Kingdom of Spain not giving the necessary permits; secondly, a commitment given by the United Kingdom to finance the payment of revalued pensions, which in December 1985 was assumed by Spain to be open-ended and which has now lapsed, causing hostility and friction with the neighbouring communities; and, thirdly, an airport agreement on terms which initially were publicly rejected by the United Kingdom Government and Gibraltar and then accepted six months later by the United Kingdom alone without Gibraltar's support, thus creating, again, a major strain in the tripartite relationship.

The resentment of the Kingdom of Spain over this situation which, in its eyes, has meant that its expectations have not materialized, has led to a paradox which I have previously drawn to the Committee's attention. It has caused the Government of the Kingdom of Spain simultaneously to complain about the anachronism of the continuing colonial situation in the Territory and to complain that the administering Power is being insufficiently colonial in not being willing to impose unacceptable agreements on the people of Gibraltar. Precisely such a complaint was made by Señor Solana when he addressed the Spanish Parliament in April this year, when he said that what was unacceptable about the ongoing discussions between his Government and the Government of the United Kingdom was that the Gibraltarian Government had a veto over the negotiating process.

The complaint of Señor Solana exposes the flaw in the annual resolutions of the General Assembly and the flaw in the approach of the Kingdom of Spain. In such a context, the solutions that might appeal to the administering Power or to the neighbouring country might be economically, socially or politically impossible for the Government of the Territory to countenance. In that situation, with a colonial Constitution where ultimately there are reserve powers which enable the administering Power to impose its will, it

is still, in theory, possible that such powers might be exercised. Let me make it clear that I am not suggesting for one moment that such a scenario is one that we are facing. The use of the reserve powers is unthinkable, and I cannot for one moment imagine that the Government of the United Kingdom would even attempt to impose decisions in any area on a democratically elected Government of the people of Gibraltar.

I have tried to give the Special Committee a flavour of how things have gone for us in the 12 months since my last appearance before it. We have had our successes in deepening the identity of our people and in winning some friends in the neighbouring country. We have had our difficulties in coping with economic change, and in the repercussions of these changes in relations within our community and with our neighbours.

In these circumstances, the people of Gibraltar have of necessity to look to the Special Committee as the entity in the family of nations that has a particular responsibility for their welfare and their destiny. I put it to you and to your Committee, Mr. Chairman, that, whatever views you express on Gibraltar, your primary objective must be the protection of the inhabitants of the Territory and the defence of their inalienable and fundamental rights, which has been the mission of this Committee since its inception, and which will continue to be its mission if it is to achieve its goal of the eradication of colonialism by the end of the century.

I started, Mr. Chairman, by praising the warmth of the reception that I had from your predecessor, when I first appeared, with some trepidation, before the Committee in 1992. Today I speak with confidence built up over my previous appearances. I look to this Committee as a protector of my country and of the rights of my people. I thank you and the other members for your patience in listening to me. I hope you will take up our invitation to visit us. I will be happy now, as always, to answer any questions that you or other members of your Committee may wish to put to me.

The Chairman *(interpretation from Spanish):* Does any member of the Committee wish to make any comments or ask any questions? If not, I shall then thank the Chief Minister of Gibraltar for the information he has provided.

Mr. Bossano withdrew.

Question of the Falkland Islands (Malvinas) (A/AC.109/1198 and A/AC.109/L.1819)

The Chairman *(interpretation from Spanish):* I wish to inform members of the Committee that the delegation of Argentina has expressed its desire to participate in the Special Committee's consideration of this question, and this request is now before the Committee. In accordance with past practice, and if there is no objection, I shall invite the delegation of Argentina to take a place at the Committee table.

At the invitation of the Chairman, Mr. Guido Di Tella, Minister for Foreign Affairs of Argentina, and members of his delegation took a place at the Committee table.

Hearing of petitioners

The Chairman *(interpretation from Spanish):* I should like to draw the attention of Committee members to the draft resolution on this question contained in document A/AC.109/L.1819. It is my understanding that the working paper prepared by the Secretariat will be published shortly.

In accordance with the requests for hearing granted at our 1431st meeting, I shall now invite Mr. Scott to take a place at the petitioners' table and to address the Committee.

At the invitation of the Chairman, Mr. Juan Scott took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mr. Scott.

Mr. Scott: I once again thank the Committee for this opportunity to address it.

Although I speak as an Argentine citizen, my grandparents were born and raised in the Malvinas Islands. Later, taking advantage of Argentine hospitality, they settled in the southern part of the Argentine mainland, where, as sheep farmers, they were allowed to occupy over half a million acres of land. Later they owned half that amount. I myself still own part of that land that many years back was facilitated by the Argentine Government to those Islanders who had decided to come over to the mainland in search of economic progress. This is one of the many episodes that show a right image of how, historically, relations have developed between continental Argentina and the Malvinas Islands, relations in which the mainland has always shown a disposition to favour the inhabitants of the Islands and a feeling of solidarity with them.

At present, the understandings in the framework of the South Atlantic Fisheries Commission are giving my country a new opportunity to show its good will and enjoy a closer collaboration with the Islanders, who are the principal beneficiaries. Argentine and British delegations are meeting this week in Buenos Aires in order to find new ways of cooperating in the exploration and exploitation of hydrocarbons.

Another area of cooperation could be farming, because of its economic importance to the Malvinas. Argentina has the possibility of offering meat-related industries only a few miles from the Islands - for example, in Río Gallegos - and would be willing to collaborate with breeders of the Archipelago so as to increase their economic negotiating power.

During the month of March 1995, the city of El Calafate, in the Province of Santa Cruz, located a short flight from the Islands, will be the scene of the tenth World Corriedale Conference. Corriedale is, along with Merino, one of the most important breeds of sheep raised in the world. Representatives and farmers of nearly 20 countries will participate. At the same time, a rural show will take place. Farmers of the Malvinas Islands would be very welcome at both events. I am convinced that this sort of mutual cooperation on practical matters extends confidence and builds the right course, paving the way to a future solution of the Malvinas/Falkland question.

Year after year, representatives and petitioners reassert before this Committee Argentina's rights of sovereignty over the Islands, and Argentina's political will to find a solution to the dispute through a peaceful settlement with the United Kingdom. The United Nations has urged both sides to negotiate a solution. This implies that the present state of things is contrary to the purposes and principles of the Organization. Many people and institutions in Argentina and in Great Britain have expressed the wish to reach some kind of settlement that will take into account the concerns and interests of both sides and of the Islanders.

The Falkland/Malvinas issue is not only a controversy over sovereignty but also a dispute that has been very clearly defined by General Assembly resolutions as a special case of decolonization. Petitioners from the Islands' legislative council, trying to prove the validity of the reasons for their opposition to any solution to the issue, have explained on many occasions that they have the right to self-determination.

To presume that the inhabitants of the Malvinas Islands should be the exclusive arbiters in the solution of the dispute would make a mockery of the decolonization process and distort the nature of the principles of self-determination and territorial integrity. The principle of self-determination cannot be applied in order to consolidate situations flowing from a colonial anachronism to the detriment of Argentina's legitimate rights over the Islands.

It is very clear that a country cannot seize the territory of another, drive off the settlers of that territory, settle its own subjects there and then claim for them the right to self-determination.

Last year, Argentina's Minister for Foreign Affairs mentioned before this Committee his Government's willingness to fully respect the islanders' supreme interests. A formal compromise, with the United Nations acting as a guarantor, could be a valid instrument to guarantee the Malvinas inhabitants that the day the islands are restored to Argentina, there will be total respect for and preservation of their lifestyle, property, customs, education, language, religion, economic practices, currency and so on. The only valid changes should be aimed at bringing prosperity to the Islands.

The Argentine Constitution foresees a far greater degree of autonomy for its provinces than the present Constitution of the Islands does, providing for the nomination of the State provincial Governors. This means that with Argentina, islanders would have more freedom to choose than they do now and would virtually govern themselves. It is of the utmost importance to know precisely which are the safeguards that the inhabitants of the Malvinas consider necessary for the protection of their lifestyle and traditions.

I hope that our ideals of peace, progress and cooperation will permit us to renew contact between the Malvinas and continental Argentina. Our lack of relations is irrational and inconsistent with the goodwill and friendship we should have in the area and makes it difficult for Argentina and the United Kingdom to reach an acceptable compromise. It is my wish that the worthy efforts of this Committee will put an end to all forms of colonization in the world and that this will lead the Argentine Republic and Great Britain to resume negotiations and reach a settlement on the dispute favouring peace and progress in the South Atlantic region.

Mr. Samana (Papua New Guinea): I should like to obtain some clarification on an important point that

Mr. Scott has raised. I should like to know the number of Argentine people who originally lived on the Malvinas and were driven out.

Mr. Scott: That goes back to January 1833. If you have read the history of the Falklands, you will know exactly how many people were there at that time. It was not a very great number of settlers, including settlers from other countries.

Mr. Samana (Papua New Guinea): I take it, then, that the number of people driven out in 1833 was about 25?

Mr. Scott: I could not give you the exact number, but it was approximately 25.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Ricardo Patterson took a place at the petitioners' table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Patterson.

Mr. Patterson *(interpretation from Spanish)*: First of all, I should like to express my thanks for this opportunity to speak to this Committee and for the acceptance of my request to speak as a petitioner before the Committee during its consideration of the Malvinas question.

My name is Ricardo Ancell Patterson. I am 36 years old and am married, with three children. I am an engineer in the agriculture and livestock sector, and at the present time I represent the people of the Province of Santa Cruz in the National Congress as a member of the House of Representatives, with a term of office until 1997.

My great-great-grandparents came to the Malvinas Islands in 1873, and there my great-grandparents, James Patterson and Elizabeth Fraser, were born, the latter in 1878 as the eldest of eight siblings. In 1908 a part of the Patterson family moved to the mainland, where they settled a number of agricultural communities, the most significant of them being the Mata Grande estate, to the north of Puerto San Julián, in the province of Santa Cruz.

At that time, those who opted to move to an environment and climate that was similar to that of the Islands, continuing to do work with which they were very familiar, had every facility to do so, while at the same time acquiring the rights articulated in the Argentine Constitution for all its inhabitants. Even before our independence, a large number of British citizens were living in various parts of our national territory and were fully integrated into our society. This pattern was also true in Patagonia, with pioneers coming, in some cases, from the Malvinas.

At the present time, the people and the Government of Argentina are maintaining their indisputable tradition of respect for the way of life, the culture and the values of all inhabitants. As a representative of the citizens of the Province of Santa Cruz, many of whom are descendants of Malvinan families, I reaffirm our will for integration, in a framework of cordial and friendly relations, with the settlers of the islands and their representatives.

But this willingness has run head-on into the unswerving refusal of the Councillors of the Islands to establish any kind of contact with our authorities. This makes it tremendously difficult to achieve any progress in implementing the United Nations resolutions that call on us to engage in dialogue and to negotiate with a view to putting an end to the existing colonial situation.

This is of concern to our country and should be of concern as well to the international community as a whole.

The people of the Malvinas are trying at one and the same time to claim self-determination while keeping their British citizenship, which is impossible to understand. In turn, they are asking us to renounce our claim of sovereignty. How can we do this? We are convinced of our sovereign rights over the Islands, and we are supported in this by the resolutions adopted by the General Assembly and other international forums which recognize the existence of the problem.

The reasons given for this refusal to engage in dialogue and discussion on sovereignty are unsound in that they are based on the premise that the transfer of sovereignty will oblige the settlers to become Argentine citizens. Argentina's tradition of respect for the rights of its inhabitants would not permit such a situation.

In our country we have a democracy that has been renewed and consolidated over the last eleven years, during which changes in political power have taken place which have not altered our historic position of respect for the interests of the islanders. Democracy is the system of the government that the Argentine people has chosen once and for all, and this is a guarantee of trust and reliability.

What is needed in the Malvinas Islands is a wide-ranging and participatory debate to provide all inhabitants

with reliable information on the Argentine position with a view subsequently to proposing options and suggestions of ways of cooperating with Great Britain - the country on which the inhabitants depend - in order to find a better solution to the dispute.

If we take a brief look at the way the world - and in particular the relations among States - has changed, we observe the creation of major trading blocs, the fall of the Berlin Wall and the consequent integration of Germany, the positive developments in the peace talks between Palestinians and Israelis and other such events which, through dialogue and understanding, are shaping a new international scene by which we cannot remain unaffected. How is it possible that we cannot make headway in the Malvinas question when all factors point clearly to the desirability of agreement? We are ready to listen to any proposals coming from the Malvinas Islands through Great Britain, with the exception of the proposal that calls for us to abandon our claim of sovereignty.

Our country and Great Britain are engaged in an increasingly productive relationship, even where issues of interest in the Malvinas area are concerned. For example, we have agreed on conservation measures within the framework of the South Atlantic Fisheries Commission, which has been operating smoothly in recent years.

I believe that if it were possible for us to make progress in the negotiations on sovereignty, agreements between Argentina and Great Britain would be still more positive, even making it possible to call on those countries that have vessels fishing in the area to open their markets to imports of fishing products from third countries - for some of those markets are closed to such products at the present time. Today world fishing fleets exceed existing resources, which will make it possible for us to make access to the area conditional, with a view to ensuring greater economic activity in the zone.

In my legislative capacity, I am currently working on a fishing bill, which I have presented in the National Congress, which stresses the preservation of species, a fundamental point to take into account in order to achieve sustained growth in the region.

With respect to the possibility of exploiting hydrocarbons, the situation is different. The unilateral decision taken by Great Britain to proceed in granting exploration zones has been rejected by the Argentine Government, making it difficult for the petroleum companies to decide to work in the area. At the present time negotiations are under way on this issue, which is of vital importance to the future of the region.

Our position has remained very firm and consistent since 1833. We have never ceased to claim sovereignty over the Malvinas Islands. The General Assembly has acknowledged the colonial situation of the Malvinas Islands, enacting resolutions such as 2065 (XX), which invited the parties - Argentina and the United Kingdom - to pursue negotiations without delay, taking into account the provisions and objectives of the United Nations Charter and General Assembly resolution 1514 (XV) as well as the interests of the population of the Islands.

Since 1965 - the date of resolution 2065 (XX) - we on our side have made manifest efforts to put it into effect, in contrast to the indifferent attitude taken by Great Britain, which historically has had a changing position, since the basis for its claim has varied from time to time. Initially they invoked discovery, then occupation, then the force of possession, and most recently the self-determination of the Islanders - all grounds which are far from sound, let alone justified.

I believe that the recognition of the colonial situation - accepted even by Great Britain - the firm decision to respect the interests of the Islanders on the part of Argentina, the current world situation and mutual interest all combine to create an appropriate framework for progress in the negotiations.

The time has come to begin a new phase in bilateral relations that will lead us to confront resolutely, in a peaceful and negotiated manner, the definition of sovereignty. I therefore call on this Committee to continue its efforts so that Great Britain heeds this compelling appeal for the benefit of all inhabitants of the region.

The petitioner withdrew.

At the invitation of the Chairman, Mr. W. R. Luxton and Ms. W. Teggart of the Legislative Council of the Falkland Islands (Malvinas) took places at the Committee table.

The Chairman *(interpretation from Spanish)*: I call on Mr. Luxton.

Mr. Luxton: Thank you, Sir, for allowing me as an elected member of the Falkland Islands Legislature to place before you and the members of the Committee the views and aspirations of the people of the Falkland Islands whom

I represent. At our last general election, I was elected with the largest proportion of any constituency vote and therefore feel that I can fairly claim to convey to you those views accurately.

My name is Bill Luxton. I was born in the Falkland Islands and I am a fourth-generation Islander; my ancestors settled there in the early 1860s. I am a sheep farmer by profession and my wife and I own our own farm on West Falkland. In 1982, when the Argentines carried out their vicious and inexcusable attack on my homeland, I was at the top of their secret police list of people to be neutralized. My wife and son and I were all arrested by their military police and deported from our home and from the Falklands at very short notice. It will not surprise members to know that I am not keen to see any renewed Argentine presence in my homeland.

This Committee is tasked exclusively with the problems of the last vestiges of colonialism. To me, it must follow absolutely that the principle of self-determination is tied inextricably to this objective. I just do not see how you can possibly divide the two unless you admit that what you decide is not on the principles of justice and what is right but is governed by political expediency. It is my most sincere hope that this Committee can rise above such a short-sighted and dishonourable course. The whole theme of my address will therefore be based on that principle which is a basic foundation stone of the whole United Nations Organization and indeed our own Falkland Islands Constitution.

We have heard in the past and today and will no doubt hear again the tortuous arguments of the Argentines about the things that happened in the Falklands some hundreds of years ago to justify their claim. Perhaps one should counter this by elaborating on the events in Argentina concerning the original inhabitants and what happened to them in their land. However, while I have enormous sympathy with the original inhabitants of the whole of the Americas, I submit that it is unrealistic to suggest that the clock be wound back. However, I would like to impress on the members of the Committee that the Falkland Islands were probably the only part of the entire American continent that never had an indigenous population to be displaced. We are that original population and have lived in and farmed and governed our islands for 160 years. All that we ask of the world community is to be allowed to continue to do this in our own fashion.

There have been dramatic changes in life in the Falklands over the past 15 years and these changes were beginning before the Anglo-Argentine war. Perhaps the most significant was the transfer of the land from absentee landlords to those who lived and worked on the farms. This process began in the late 1970s and I was glad to be associated with it from the very beginning. Things were moving ahead very well before the war. Indeed, the ceremony to hand over the deeds of one farm which the Government had purchased from the overseas owners to the new farmers was scheduled for 2 April 1982. That something else that was wrecked by Argentina, as of course they attacked the Falklands that very day.

Since then almost all the land has been transferred into local ownership, with a huge increase in investment in the farms despite difficult conditions in the world wool market. This has been possible because of the income we have received from the management and licensing of our fisheries. Our fishery management and conservation are recognized as being among the best in the world and I am glad that this is one area where we have been able to develop a reasonable relationship with the Argentines without compromising our sovereign rights. Our research data has been made freely available to Argentina in the interests of conserving the main species and the good management of both our fishery zones.

One might dare to hope that this could be a pattern for the future in other fields, as it is our intention to proceed with the issuing of exploration licences for offshore hydrocarbons in the very near future. The preliminary seismic information is very exciting and we have made it clear that, if Argentina wishes to participate in the process of oil development, there is no reason why it should not do so, just as our other South American neighbours can if they wish. We are a small country and it may suit the major oil companies to source their supplies from South America and even build bases there. Cooperation on these terms is acceptable. What is not acceptable is that Argentina, by making claim to the Falkland Islands, should imagine that it is entitled to any special position in the development of our resources.

Onshore, the growth of local business has been equally dramatic in the last decade. The retail sector, for instance, would be unrecognizable to anyone who had not visited for 10 years. We have local building firms, road construction gangs driving a basic road system across both East and West Falkland, and increasing local participation in the fishing industry. On the Government side, we have made very substantial expenditure on our young peoples' education, with the equivalent of some $20 million spent on an urgently needed new secondary school and community

centre, and we are just about to start a new primary school expansion. All our students are funded for further education overseas if they reach the pass grade and we have just extended the period of compulsory education to age 16. A first-class medical service for our people and a modern communications network are just some of the benefits introduced.

All of these things have been provided from our own income, with no assistance from the United Kingdom. Internally, we have complete self-government. Britain remains responsible only for our defence, for which we are eternally grateful, and our foreign policy matters. Even there we do take the initiative. It is our choice to be here today. It is probable that Britain would actually prefer that we were not, but it makes no attempt to stop us addressing this Committee.

I would like to mention briefly the recent insulting and distasteful bribe offered by the Argentine Foreign Minister when he offered a huge sum of money to Falkland Islanders if they would agree to the transfer of sovereignty to the Argentines. I wonder how the Argentine poor living in the slums of Buenos Aires will react when they hear that their Government plans to give away half a million pounds each to a community whom they regard as second- class citizens. Even if they were able to secure the consent of their people to this distasteful plan, where do they propose to find a sum of money approaching £1 billion? No, I believe the real motive behind this offer is much more basic. I believe that the object is to try to create dissent and division within our community, to offer the world to a few and deny it to others. I would tell the Foreign Minister that it will not work - I believe every Falkland Islander will treat his plan with the contempt it so richly deserves.

You may be surprised to know, in view of what previous petitioners have said, that this is not the first time that money has come into the Falkland question, except that last time it was the other way around. In the period 1838 to 1841, the Argentine envoy in London was desperately trying, under instructions from his Government, to persuade the British Government of the time to cancel their loan from a London merchant bank in exchange for dropping any Argentine claim over the Falklands. So much for the deep and burning concern that every Argentine is supposed to feel over the Falklands. The truth is that over the years we have been used as a diversion to distract the Argentine people from the misery imposed on them by their own Governments from time to time.

However, things have changed in the years since their defeat by Britain in the South Atlantic. Argentina has a democracy, fragile as it may be, which has achieved some remarkable results. Argentina now wishes to earn the respect of the world community with its sound economic management and by participating in the efforts of the United Nations to create peace and justice where there is war and tyranny. Argentina clearly wishes to establish itself as a mature and stable member of the democratic society of nations.

This leads me, then, Mr. Chairman, to return to the theme of my submission to your Committee, the guiding principle of the United Nations: the right of all peoples to determine their own future without interference. I would like to take this opportunity to issue a challenge to President Menem, the Argentine Government, their Foreign Minister and the whole Argentine people. I challenge them to show the world their maturity and to show magnanimity towards a small group of people who are not their natural enemies, but who will not be subjugated or colonized by them. I challenge them to show generosity and tolerance to a small country which offers no threat whatever to their future security and which in terms of the great richness of Argentina is irrelevant to them. We are but 2,000 people, but we are determined to go our own way. Perhaps it is not necessary for Argentina to cede sovereignty to Britain if that concept is difficult for it. The Falkland Islands belong to the Falkland Islanders, and what we ask - and this is my challenge - is that Argentina be prepared to allow the Falkland Island people to determine their own future, without hindrance.

Mr. Chairman, we have no problem with the basis of the draft resolution before your Committee. It is entirely appropriate that Britain and Argentina should seek a peaceful end to the dispute between them. However, what we ask most passionately is that the draft resolution should include as an essential principle the right to self-determination of the people of the Falkland Islands.

The Chairman *(interpretation from Spanish)*: I now call on Mrs. Teggart.

Mrs. Teggart: Mr. Chairman, thank you for the opportunity to address the Committee and to speak to the draft resolution before it.

As this is my first visit to the United Nations decolonization Committee I will begin by telling you a little about myself and the reasons why I feel I am qualified to

petition this Committee on behalf of the people of the Falklands.

I am one of eight elected members of the Falkland Islands Legislative Council and represent the Stanley constituency. I am a sixth-generation Falkland Islander, the mother of six children, and have an eight-year-old granddaughter who was the first eighth-generation Falkland Islander, of whom there are now a growing number.

My original ancestors arrived in the Falklands in 1842 with Governor Moody. Two and a half years ago over 300 of their descendants met to celebrate 150 years' history in the Falkland Islands. Their contribution to the Islands in these 150 years has been enormous. It was 150 years ago this week that my great-great-grandfather, as a 14-year-old boy, raised the British flag at Government House in the Islands' then new capital of Stanley. It would have been hard for these men to realize that one day from humble beginnings, in a hut made of mud and turf, their descendants would take leading places in our society; our Financial Secretary, Government Secretary, head of our Development Corporation and Collector of Customs are just a few of their many descendants.

Five generations of my family currently live and work in the Falklands. They are typical Islanders. My mother's ancestors left England in 1841. Three of her brothers fought with the British services during the Second World War, as did my father, who later emigrated to the Falklands. My eldest son was born in England, my youngest daughter in Scotland. We are a British family; we are not Argentines.

During the Argentine invasion of 1982 I lived on a sheep farm on West Falkland, and, while we were far more fortunate than many Islanders, the trauma of having your home country invaded remains. We heard of the Argentine invasion with horror, and feared greatly for the safety of our family and friends. Those fears were not unfounded. With communications cut off by the Argentines, it was some time before the full story of their treatment by the invasion forces became known. Three Falkland Islanders were killed during or as a result of that invasion. It was nothing short of a miracle that there were not more. Members of my own family lay on the floor of their home as bullets whistled over their heads, and my mother, youngest brother and 11-year-old sister were held at gunpoint as Argentine soldiers raided their house for food. They were awakened numerous times at night while soldiers searched the house looking for evidence of subversive activities to be used against them, and my youngest brother, then a boy of 17, was thrown into prison. This same brother has this week received an honours degree in engineering at a British university. One can only speculate as to what his future would have been under an Argentine flag, at a time when so many thousands of their own people disappeared without trace.

Since 1833 the Falklands have been populated and governed by British people. My forebears lived a hard, pioneering life. They died at a very early age, but they left a legacy of which we are justifiably proud.

An Argentine petitioner said at an earlier meeting of this Committee that we did not have our own culture. He is wrong; we do. Over the last 150 years we have built a lifestyle which, although British in background, has its own undeniable character and charm. The majority of us through birth could choose to live in the United Kingdom. We do not choose to do so. We live in the Falklands because of our love for our unique way of life, yet if, for whatever reason, Argentina were to take over the Falklands the majority of Islanders would leave. We would not stay under an Argentine flag; we would become a people without a country. The Argentines would take over a wasteland, depopulated and barren, and a far cry from the thriving, busy community the Islands now are.

We govern our own Islands, making our own decisions, and, apart from the cost of defence, we pay our own way. We are grateful to the British Government for bearing the cost of our defence. This would not be necessary if it were not for our need for protection against our overbearing, bullying neighbour. We are making great strides in developing our infrastructure, building roads to the more inaccessible parts of our Islands, and our education and medical facilities are excellent. Our young people look forward to bright, successful futures.

Most of our revenue currently comes from the squid fisheries around the Falklands. The squid are migratory and have a 12-month life cycle. This makes conservation of the stocks all-important. We have been able to share information we have gathered with the Argentine authorities, which have recently established their own fishing licence regime. Now seismic surveys have been undertaken around the Falklands, and prospects of finding large oil reserves are high. I personally would not object to Argentina's sharing in provision of facilities and support services for any future exploitation, in the same way as other countries in South America may be able to participate, but there will be no special deals, no preferential treatment.

Our lucrative fishing industry has given us the opportunity over the last few years to build up substantial monetary reserves, which now provide the Falklands with its second largest source of revenue. We are a people who look ahead to the future and know how fragile our chief source of income is, but, even without oil, through careful investment, we believe our economic future is secure.

Our refusal to become part of Argentina is not a bargaining tactic. We are not waiting for a fundamental change in Argentina's economy, politics or outlook. We are a British people, capable and determined to decide our own future. Were it not for the Argentine claim to the Islands and our reliance on the United Kingdom for military protection, we might well by now be looking towards independence within the framework of the United Nations. This is a Committee on decolonization. I ask it to accept that it is Argentina which wishes to colonize us, not Britain. It is Argentina that is stopping any move towards independence, and it is Argentina that must drop its claim to sovereignty over the Falklands.

I regret that, according to press reports, there is a proposal for Argentina's new Constitution to contain a clause claiming sovereignty over British dependencies in the South Atlantic. We have made it clear that we wish to remain British. We have a right to self-determination, which is a key principle in international relations and a fundamental provision of the United Nations Charter.

It is my belief that this is the only way ahead for a peaceful resolution of the South Atlantic problem. The Government of Argentina has no respect for our wishes, however. For a country with a democratic Government, it seems to have a marked lack of ability to accept one of the basic principles of democracy: the right to freedom of choice. We in the Falklands have always had a democratic Government, but even if Argentina's was as old as ours, we would still not be interested in their protestations of friendship. We have every reason to distrust them. In the past, Islanders have left the Falklands and gone to live in Argentina, as, indeed, Argentines have come to live in the Falklands, where they have become an integral part of the community. They have had freedom to determine what they want to do and have chosen their course. We, too, want the right to determine our own future.

For years, Falkland Islanders have been coming to this Committee to ask for their wishes to be taken into account. This is my first such visit to the United Nations, and I hope it will not be my last; but if I never come back, there are more than 2,000 others who will gladly and willingly volunteer to come to address this Committee. We are not professional politicians, but what we say comes from our hearts. We need no coercion to speak in this Committee. We have a growing population, and newcomers to the Falklands are integrating into our community and adopting our way of life and our ideals. The willingness of people to speak here will not weaken; it can only strengthen in years to come. We are not Argentines, and we will never be Argentines.

The delegates to this Committee live a life of their choice in the countries of their birth under a Government of their choosing. My colleague and I also live a life of our choice in the country of our birth under a Government of our choosing. We appeal to this Committee, which operates under the United Nations Charter, one of whose principles is that of self-determination, to support our right to determine our own future.

We have brought with us a governmental report which covers a number of topics, including the economic situation in the Falkland Islands. Copies of this report are available at the back of the hall, and I am sure the delegates will find them of interest.

The Chairman *(interpretation from Spanish):* If no member of the Committee wishes to speak or ask the petitioners a question, I shall then thank Mr. Luxton and Mrs. Teggart for the information they have provided us.

Mr. Luxton and Mrs. Teggart withdrew.

The Chairman *(interpretation from Spanish):* I now call on the representative of Venezuela, who will introduce the draft resolution contained in document A/AC.109/L.1819.

Mr. Tejera Paris (Venezuela) *(interpretation from Spanish):* Venezuela again has the honour of sponsoring, along with Chile and Cuba, the draft resolution on this question, contained in document A/AC.109/L.1819. In this way we show our unwavering commitment to the cause of decolonization and our desire to contribute to the settlement of the dispute over the sovereignty of the Malvinas Islands, a dispute affecting two friendly countries, Argentina and the United Kingdom of Great Britain and Northern Ireland.

Venezuela also wishes to reaffirm its conviction that the only way to put an end to the special colonial situation of the Malvinas Islands is by a peaceful, negotiated settlement, and in this regard, we express our hope for the early implementation of General Assembly resolution 2065

(XX), especially with regard to the resumption of negotiations on sovereignty.

The text we are introducing today is almost identical to last year's resolution, and we hope that, in the best interests of the parties concerned, it will be supported by all the members of the Committee.

The Chairman *(interpretation from Spanish)*: I now call on Mr. Guido Di Tella, Minister for Foreign Affairs of the Argentine Republic.

Mr. Di Tella (Argentina) *(interpretation from Spanish)*: I am grateful for the opportunity to participate in this debate.

I should first of all like to congratulate you, Sir, on your chairmanship of the Committee, which is proof of the recognition of your country's commitment to the decolonization process. I also congratulate the other officers of the Committee and the Secretariat staff for their dedication and hard work.

I also wish to express my appreciation, regardless of any question of agreement or disagreement, to the petitioners, Mrs. Teggart, Mr. Luxton, Mr. Patterson and Mr. Scott, for their presence here. I am also grateful to the Chairman of the Commission for Foreign Affairs of the Chamber of Deputies of my country for his presence here.

My statement will deal with the question of the Malvinas Islands from three standpoints.

First, I wish to recall some historical and legal aspects of the question under consideration today.

Secondly, I wish to touch on the current relations between Argentina and the United Kingdom and the situation in the South Atlantic, especially regarding the conservation of fishing resources, hydrocarbons and the Argentine proposal for the clearance of mines from the Malvinas Islands.

Finally, I shall take up the subject of our special consideration of the current inhabitants of the Islands and the Argentine approach to relations with them.

Regarding the first points, I should like to say the following: the sovereign rights of the Argentine Republic over the Malvinas Islands, South Georgia Island and South Sandwich Island and their surrounding maritime areas have solid historical and legal foundations that have been clearly spelled out by my country in this Committee, in the General Assembly and in other international forums.

The Malvinas Islands constitute part of the territory of Argentina, and their recovery is a constant and unforsakeable cause for the entire Argentine people. Hence, the Government of my country will continue to carry out diplomatic efforts in all forums until such time as the restitution of those territories has been achieved.

In its resolutions 2065 (XX), 3160 (XXVIII) and 37/9, among others, the General Assembly recognized the existence of a sovereignty dispute between Argentina and the United Kingdom and stipulated that the dispute should be resolved through negotiations between the parties, taking into account the interests of the population of the Islands. This Committee and the General Assembly have on many occasions requested both countries to resume negotiations on sovereignty and have declared that the way to decolonize the Malvinas Islands is by achieving a peaceful solution.

In their pronouncements the Committee and the General Assembly have made it clear that the question of the Malvinas is a special case that should be resolved in conformity with the aims and provisions of the Charter of the United Nations, which include negotiations between the parties, and resolution 1514 (XV). That resolution states, in paragraph 6, that

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." *(resolution 1514 (XV), para. 6)*

The fact is that the Malvinas Islands, which are an integral part of Argentine territory, were occupied by force in 1833, and the Argentine authorities and inhabitants were driven out and replaced by British subjects.

Here I wish to make an observation regarding the number of people driven out. If 25 people were driven out, then, with a normal rate of population growth - between 1 and 2 per cent - they would today represent more than 1,500 people. What we need to take into account is not just the number of people expelled, but the number they would represent now. Though it may have been small, if the population that was driven out had developed normally, it would now represent almost the entire population. This is the magic of compound interest.

Protest was immediately voiced by Argentina following the events of 1833. Those developments have never been accepted by Argentina, which has constantly demanded the restoration of the Islands. The lapse of time and the protracted occupation by Britain has in no way diminished the right to sovereignty of my country, among other things because Argentine protests to the United Kingdom have kept the matter alive and valid since 1833.

Concerning the pronouncements of other international forums, I should like to highlight the firm and constant attention given to the dispute by the Organization of American States (OAS). In its declaration on this question in its Assembly of Heads of State and Government in June, the OAS once again called on the parties to resume negotiations in order as early as possible to find a peaceful solution to the sovereignty dispute, and reaffirmed that the question is a matter of constant hemisphere-wide interest. This should be seen in the context of the Latin American co-sponsorship of Cuba, Chile and Venezuela of the Committee's resolution, which we are very grateful for.

With respect to the second aspect that I intend to address, I should like to note that relations between Argentina and the United Kingdom have been strengthened since the resumption of those relations in 1990, thus making it possible to achieve growing understanding in significant areas. As an example, high-level political consultations take place annually. Both countries are members of the Missile Technology Control Regime and the Australia Group on chemical weapons. Argentina has become the third-largest Latin American market for British exports. There has been strong recovery in bilateral economic and trading activity, and contacts have been strengthened between British and Argentine companies involving the formation of consortiums in various areas. British investments in our country have increased fundamentally in service-related areas. Great Britain's investments since 1990 have grown markedly and Great Britain has again come close to playing the role that it played in the early part of the century.

Both countries have the same views on the most controversial issues on the international scene, and we uphold democratic principles, human rights and equality before the law with equal force and conviction.

Both countries are allied on various levels. Our troops participated together in the Gulf war and are participating together in United Nations peace-keeping operations in Cyprus and Croatia.

In the South Atlantic, there has been continued advance towards cooperation. The understandings that have been achieved have been protected by the sovereignty formula. Under its shelter, both countries have been able to move towards cooperation formulas without this affecting their various positions or implying acceptance or recognition of the position of the other side. But it is impossible to advance very far in cooperation before we define the very core of the problem. This is what we need to do.

When it comes to conservation of the fishing resources of the South Atlantic, I should like to note, as did a number of petitioners, the work that is being done by the Argentine-British Fishing Commission since its inception four years ago. Both countries have been exchanging information on fishing activities in maritime areas of the South Atlantic with a view to preserving the most significant high-seas species.

In that spirit, the Commission at its latest meetings looked at proposed understandings with a view to establishing a framework for longer-term cooperation in order to ensure conservation of the fishing resources in the area. It may take a lot of effort, but that goal is attainable, and we want to attain it.

The Argentine Government is continuing to analyse formulas for a fishing agreement, although it hopes that this will not be an isolated action and will come into being in the context of understandings on other issues related to the South Atlantic on which it is possible and desirable to have cooperation.

As the petitioners have noted, cooperation in the matter of fishing is beginning to be accepted as a general principle by the two parties. That represents great progress, which should, we feel, be expanded to other areas.

Cooperation in the area of fisheries and that of conservation prompted Argentina and the United Kingdom last May to announce parallel action to close their squid fisheries. In so doing, both Governments have shown coordination ability and great responsibility with respect to this resource.

I should like to stress that Argentina is addressing the issues relating to the Fishing Commission from a conservationist stance. This is reflected in the national fishing legislation, which regulates exports of the resources according to the principles of preservation and rationality.

On this basis, the Argentine fishing authorities are determining the procedure for the granting of fishing licences in proportion to the biological capacity of the species and the pressure of sustainable fishing, in accordance with the data provided by constant research and scientific evaluation.

The Argentine Government hopes that this example of cooperation between the two countries in the conservation of fishing resources will serve as a basis for agreements on other issues in the South Atlantic on which we are holding talks with the United Kingdom.

It is noteworthy that the early closure of the squid fishing season decreed by the Argentine fishing authorities is closely supervised by the Navy, thus demonstrating our country's commitment to responsible fishing.

With regard to hydrocarbons, the Argentine Government has told the United Kingdom that it is ready to explore formulas of cooperation which will make it possible to have a constructive approach to this issue. For this reason, we shall not accept any petroleum exploration or exploitation activity in the disputed areas without previous understandings on cooperation between Argentina and the United Kingdom. With a view to reaching such an understanding, we shall be meeting with British officials on 14 and 15 July in Buenos Aires in the framework of the third meeting of the high-level group. We trust that on that occasion, it will be possible to lay the basis for a mutually satisfactory solution without prejudice to the position of either side concerning sovereignty or maritime jurisdiction over the areas in dispute, for any arrangement on that point would be covered by the so-called "sovereignty umbrella". It will be a difficult negotiation, whose failure might have adverse, extremely serious, effects, which I shall refer to later on.

I should also like to underscore the offer by the Argentine Government to the United Kingdom - it has not yet been mentioned - to take charge of removing the mines that were placed on the Malvinas Islands during the 1982 conflict. This concords with the spirit of resolution 48/7, on assistance in mine clearance, co-sponsored by Argentina and adopted by the General Assembly on 19 October 1993 without a vote.

To this end, contacts have been initiated with a view to working out the necessary details for its implementation. While aware of the high level of technical difficulty involved in carrying out this task to the full, we hope to achieve the highest possible standard in so doing, and I can assure the Committee that we will indeed succeed. The petitioner, Mr. Luxton, challenged me to be the first to walk through the demined fields, so obviously I have personal interest in the matter. That our initiative has been taken with a sense of high priority evidences the special attention that the Argentine Government is paying to the concerns of the inhabitants of the Islands.

Let me explain what prompted this idea of demining. Naturally, we felt responsible for the mining, and from the publications put out by the islanders it was apparent to us that the mines' existence posed a daily problem that should be eliminated methodically and we are engaged in just such an endeavour. We hope that this gesture will be appreciated. I note that none of the petitioners have commented on it, but we will continue our efforts anyway.

At the same time, there has been progress in the creation of confidence in the military field. The understanding of 12 July 1993 has brought about greater movement towards normalizing the military situation in the South Atlantic.

In this context, we hope to continue to move towards the complete elimination of the restrictions that have persisted since the end of the 1982 conflict so that mutual trust may extend to all aspects of bilateral relations.

Notwithstanding these areas of progress - which are indeed very significant - there have been not insignificant set-backs in other areas. First of all, the basic question underlying the dispute and, even worse, the fact of the negotiation remain unresolved. This is why on this occasion we reaffirm to the United Kingdom our readiness to resume negotiations. This does not necessarily mean that we are conceding anything in advance, but simply that we are ready to sit down at the negotiating table. Personally, I would like to be able to sit down with the petitioners who spoke earlier in order to respond to some of the things they said and talk to them. As I said, sitting down at a table does not mean that we have conceded any points. It is simply a matter of having a cup of tea or coffee and talking.

In addition to the lack of progress towards a settlement, I must recall the jurisdictional measures taken by the British in the region of the South Georgia and South Sandwich Islands in 1993. As noted in official documents of this Organization, Argentina has protested against and firmly rejected those measures, which create an element of very serious uncertainty, because we do not know what consequences they will have - whether this is the end of the

story as far as the demands are concerned or whether there will be further measures.

The situation in the region has become more complex as a result of the United Kingdom's adoption of additional regulatory measures on fishing. The regulations were adopted despite the fact that on 7 May 1993 both Governments agreed, under the protection of the sovereignty formula, to renew their efforts in the framework of the Convention on the Conservation of Living Marine Resources of the Antarctic with a view to ensuring effective conservation of resources in these waters. The measures are not, in our view, compatible with the Convention on the Conservation of Antarctic Marine Living Resources and undoubtedly will mean that the bilateral dispute will be carried over into the Antarctic Treaty. This, I think, is the danger of that unilateral and, indeed, unnecessary British initiative.

To return to the issue of petroleum, if, as I have said, agreement is not reached in the forthcoming negotiations with the United Kingdom and that country opts for a unilateral decision, the situation thus created will have very negative consequences.

Unilateral exploitation by one of the parties of non-renewable resources in the disputed region would undermine the norms and principles of international law, which establish the obligation to refrain from exploiting a territory's non-renewable resources until any dispute over its sovereignty has been settled. This is the international community's interpretation of such a situation and it has been clearly stated in the case of the Malvinas Islands in General Assembly resolution 31/49 of 1 December 1976, which

> "Calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in [General Assembly resolutions 2065 (XX) and 3160 (XXVIII)]." *(resolution 31/49, para. 4)*

For these reasons our Government is determined to take all legal and judicial measures that may be necessary, both internally and internationally, to prevent the unilateral exploitation of hydrocarbons in the region in dispute should it not be possible to achieve a bilateral arrangement. The British Government and the petroleum industry have been notified by the Argentine Government of this resolve. Any company embarking on activities in that zone will have to bear the legal consequences of disregarding this warning.

I turn now to the third aspect to which I referred earlier, relations with the Islands and, in particular, with the Islanders. Accordingly, I would like, through the petitioners, to address the Islanders in their own language.

(spoke in English)

The General Assembly and the Decolonization Committee resolutions clearly establish that Argentina and the United Kingdom are the only parties to the dispute. The Islanders do not enjoy a similar status, but their influence has an impact on both the British Government and, in particular, its Parliament, which will have to solve this question together with the Argentine Government and Parliament. Argentina takes this fact into account when it addresses the need for a settlement of the controversy. We do so because we realize that it would be objectively unthinkable to approach this issue without taking into consideration its human dimension. Therefore, while not conceding any veto power to the Islanders, we intend to gain a better understanding of their lifestyle and their viewpoints in order to reach agreements for the benefit of all concerned. We are fully aware of their influence on the decisions of the British Parliament.

The establishment of direct links with the Islanders is central to our policy on this matter. To this end, we should jointly consider the areas where contacts could be initiated in the short term for the benefit and to meet the current needs of those who live on the islands and the mainland.

We are ready to build bridges. We are ready to make efforts to convince them that our position is not only just but beneficial for them as well.

During last year's session of the Special Committee one of the petitioners, Mr. Terry Peck, raised a number of points concerning the issue of the maintenance of the Islanders' lifestyle. I improvised an answer, saying that I thought we could accommodate the Islanders on most of the issues. I can now say that with full knowledge and based on a full analysis of each of the points - 14, I believe - that he mentioned.

I reiterate that we can now agree on most of the issues, because they are compatible with our free institutions - political and economic. In short, we can fully ensure respect for their way of life. Therefore, I stress that

we are ready to talk about the content of those issues, particularly about allowing for local courts and a local taxation system, the preservation of the Islanders' property rights, their own educational system, transport and communications, allocations of income and decisions on resources, among many other matters.

At this point, I would recall that the Argentine Constitution, ratified in 1853, adopted a federal system whereby each province would have its own constitution. The latter guarantees in each case the autonomy of local government, the administration of justice and the educational system. Each province has its own local institutions and is governed by them. They elect their governors, legislators, and other provincial officials without the intervention of the Federal Government.

Regarding property rights, all inhabitants of the Argentine Republic enjoy the right to make free use of their property.

I mention these examples to highlight the fact that our intention seriously to discuss the preservation of the Islanders' way of life is supported by our own constitutional experience. Our readiness to exchange points of view is as strong as it was in 1993. We are even willing to analyse special features that might be deemed necessary.

Having said that, I turn now to other matters. We continue to facilitate air communications between the Islands and the South American continent. We have authorized and are facilitating flights by a Chilean air company from Punto Arenas, Chile, to the Islands, with an optional stop-over in Rio Gallegos, Argentina. We are trying to promote a similar flight from Uruguay to the Islands. Of course, we would prefer direct links, but the second best solution is to have flights from neighbouring countries, with which we are on very good terms.

Despite the fact that the Argentine Government facilitates communications between the Islands and the South American continent, it should be understood that there are no logical and viable alternatives to direct communication with Argentine continental territory. The situation has become extremely odd. We see Islanders - and not just one or two, but quite a few who come to visit their relatives or their investments - coming to our country and going through Punto Arenas in a very expensive and awkward way.

In connection with information published by the press regarding the possible compensation to the Islanders, I would like to make the following remarks. This is not an Argentine proposal; it was not originally an Argentine idea, but my Government stands ready to consider it, if necessary, in the context of the future process of restitution of the sovereignty of the islands and on the understanding that the compensation does not mean that any Islanders would have to abandon their homes or alter their lifestyle.

I have heard that some of the petitioners are not enthusiastic about this idea. I do not know whether it is because they think that we do not have the money or that our people will be opposed, or whether it is because it is completely out of the question. I do not think it is offensive, as part of a package that respects the lifestyle and gives special status for the inhabitants, to include some monetary compensation. This was what the British Government thought in the 1970s; I think the idea was of a lump sum payment to the islanders of about £7 million. It did not go through. This is typical. Monetary compensation has to be included. It is not a bribe. We know that we cannot bribe people who have a lifestyle, whose identification with their homeland is as intense as that described by, for example, Mrs. Wendy Teggart. It is very moving, and we do not want to interfere with that.

I have to give thanks even to Mr. Luxton, because in his original draft he spoke about my "devious plans" and when he made his statement he omitted "devious". I have to thank him, because a slight improvement has taken place in this meeting.

Some people on the islands say they do not want to hold any dialogue unless we first drop our claim. This would be an irrational sequence. We have to start by agreeing to disagree and work from there on. If we meet around a table we are not granting anything or yielding on any point; we are simply sitting around a table. That is all there is. If they want to convince us, they will have to meet with us - and not only once a year, in this Committee. The essence of our strategy is to convince them, and if we want to do that we have to meet as well. I think that on the islands there are different shades of opinion regarding some of these issues. I am convinced that there exist on the islands more realistic points of view that would allow us to continue our approaches.

Four years ago the Council was elected on the platform of "no relations with Argentina whatsoever". Last time the platform was "no relations with Argentina whatsoever, except for fish and oil". That was a great change. We have been waiting for 165 years to find a solution to this issue. We are prepared to spend another

165 years to convince the islanders about the convenience of our suggestions. We are a bit on the stubborn side.

Our dialogue with the British side should be held with an open agenda. For example, we might discuss trade, environmental matters, direct flights between the islands and Argentine continental territory, tourism, quotas on tourism, student exchanges. For example, the latter was positively mentioned during the exchanges at the Argentine-British non-governmental conference held in Mendoza, Argentina. All these proposals stress the fact that we are prepared to analyse all possible options and formulas that take into account the identity and well-being of the islanders. Although we recognize the identity of the islanders, and their way of life, we have to say that part of their specific character, which we want to respect, is a consequence of administrative decisions taken over the past 165 years, not allowing us to invest in or migrate to the islands, or to visit them, for that matter. So there is a kind of artificial administrative background that explains the intense character of the lifestyle. But this is a fact of life, and we are perfectly willing to accept it without any change whatsoever.

(spoke in Spanish)

The international scene has changed dramatically since 1982. This is also true of the islands, the United Kingdom and Argentina.

Argentina is today a country with fully valid democratic institutions and respect for human rights and fundamental freedoms. This has been recognized by some of the petitioners, including the harshest, and this gives us great satisfaction. The fact that they mentioned this as being something recent does not trouble us, because it is a historical fact.

Argentina today is credible and respected internationally. Its economic policy has reopened the real possibility of foreign investment, promoting growth and general well-being. Its foreign policy has gained renewed prestige because it is based on an active commitment to peace and non-proliferation of weapons of mass destruction, with firm support for the Security Council, of which it is at present a non-permanent Member, and with active participation in peace-keeping operations and the development of cooperative security in the Americas.

Acting in accordance with that policy, Argentina has reached agreements on cooperation in the peaceful use of nuclear energy with Brazil and the International Atomic Energy Authority, has ratified the Treaty of Tlatelolco, is a party to regional agreements banning chemical weapons, has acceded to the missile technology control regime and cancelled all its missile projects, directing its space activities to exclusively peaceful ends. We are thus undeniably contributing to ensuring that our region becomes one of the most peaceful in the world.

At the same time, in the region we enjoy close, friendly and warm relations with Chile, relations which have been strengthened by the agreements reached in 1991. Those agreements have helped to establish new levels of cooperation between the two countries. Infrastructure integration and economic and trade integration grows day by day. Chilean investments in Argentina have reached extraordinary levels, and there are many joint projects, such as the Argentine-Chile gas pipeline, which is an example of how the world has changed, because participating in it will be Argentine, Chilean, British and United States companies. Obviously, this was unthinkable 10 years ago, for four reasons.

All this, which should be taken very carefully into account, implies specific benefits for the islands. However, the existence of the British military base in the Malvinas is a hangover from the past, ignoring the new international context, the new regional context and the new Argentine realities. It implies being blind to the fall of the Berlin Wall, the end of totalitarianism, the end of apartheid, the Middle East peace process and other profound changes of our times.

We are convinced that, whatever may be said, the islanders should not exaggerate, because our attitude towards them has changed substantially. The present Argentine attitude, including the firm and clear commitment to an exclusively peaceful solution to all our disputes with the United Kingdom, makes the lack of dialogue ever more untenable and illogical.

I do not wish to conclude without thanking the Committee in advance for its support for the draft resolution on the question, which is another very important pronouncement in favour of resolving the dispute. I am sure that it will receive the same support as last year's draft resolution did.

Argentina reaffirms its firm desire to resolve the question in accordance with the resolutions of the Committee and of the General Assembly.

The Chairman *(interpretation from Spanish)*: Does any member of the Committee wish to speak before we take action on the draft resolution introduced by Venezuela?

Mr. Ardhaoui (Tunisia), Chairman, Subcommittee on Small Territories, Petitions, Information and Assistance, *(interpretation from French)*: I know the hour is late, but I should like none the less to say a few words.

My delegation is most appreciative of the initiative taken by Mr. Guido Di Tella, the Minister for Foreign Affairs of Argentina, in joining us here and explaining clearly and unambiguously his country's position.

The Foreign Minister has just told us how Argentina is now seeking to solve the problem of sovereignty over the Malvinas Islands through negotiations and peaceful dialogue, in the framework, of course, of the relevant resolutions of the United Nations. The approach advocated by the Foreign Minister of Argentina is a truly positive element of the overall foreign policy of the democratic Government of President Carlos Menem. Remarkable initiatives on the international level, including various proposals in international organizations, exemplify Argentina's dedication to working for peace and security in the world, especially in the region of Argentina's particular concern.

That is why my delegation appreciates the statement of the representative of Venezuela, who was good enough to introduce the draft resolution a moment ago. He appealed for the draft resolution to be adopted by consensus, and my delegation would like to join him in that appeal, because, as he rightly said, all delegations here are friends of the two parties, which is why we must encourage them to engage in dialogue and negotiation in the search for a peaceful solution. My delegation wishes to see all members of the Committee agree on the adoption of the draft resolution by consensus.

Mr. Samana (Papua New Guinea): My delegation supports the draft resolution as it relates to the question of sovereignty claims by Argentina and the United Kingdom as a continuing dispute. The draft resolution also urges the two parties to the dispute to handle the situation through compromise and dialogue.

While speaking on this matter, I should like to recognize the presence of the Foreign Minister of Argentina and express appreciation for his effort and his presence as we deal with this very critical and sensitive issue.

My delegation will continue to support and encourage our Argentine brothers and our British friends to continue to seek a solution through peaceful means. However, the question we raised previously, when this matter was considered in 1993, relates to the fact that the draft resolution, as it stands, misses a significant element of the issue - namely, the element of self-determination that is being raised by the Island's population. I raised this matter of population in my question to one of the petitioners. This is going to be an emerging issue as the population grows.

The Minister for Foreign Affairs of Argentina made the point that if the population was originally Argentine by dint of aboriginality, then, obviously, the argument here would be different. So while we appreciate the question of the aboriginality of the population, we also consider the fact that this particular island population has been in existence for over 165 years. A question therefore arises concerning the definition of colonial status as it pertains to the Falkland Islands, or the Malvinas. While the resolution as it stands deals with the question of territorial sovereignty, it misses the question of self-determination for the sixth generation of the island's population, whose views and opinions may not have been considered.

However, we support the proposal of the representative of Tunisia and will vote in favour of the draft resolution as it stands with regard to the issue of the ongoing dispute over sovereignty.

The Chairman *(interpretation from Spanish)*: If no other member wishes to speak, and if there are no objections, I shall take it that we are ready to adopt the draft resolution contained in document A/AC.109/L.1819 without a vote.

The draft resolution was adopted.

The Chairman *(interpretation from Spanish)*: I shall now call on those representatives who wish to explain their position on the draft resolution just adopted.

Mr. Seniloli (Fiji): My delegation went along with the Committee's desire to adopt the draft resolution contained in document A/AC.109/L.1819 by consensus. We also joined the consensus last year, whereas in previous years we had abstained on similar draft resolutions because of our reservations on the relationship between the content of those draft resolutions and the mandate of this Committee.

Even though we have again joined in the consensus, my delegation continues to be preoccupied with the same reservations. These reservations stem from the fact that the draft resolution we have adopted focuses substantially on the issue of sovereignty over the dependent Territory in question - namely, the Falkland Islands (Malvinas). We believe this issue of sovereignty should be properly dealt with in another forum.

This Committee is mandated to oversee the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as contained in resolution 1514 (XV) of 14 December 1960. There is nothing in the resolution we have adopted that focuses on the principle contained in the Declaration that all peoples have the right to self-determination; by virtue of their right, they freely determine their political status and freely pursue their economic, social and cultural development.

If it is the view of this Committee that the issue relating to the Falkland Islands (Malvinas) is an issue of sovereignty and not one of the right of self-determination of the peoples of the Territory, then it would be more appropriate for us to consider deleting this Territory from the list of dependent Territories. As to the dispute over the sovereignty of this Territory, we believe that such disputes should be dealt with elsewhere, and not in the Committee on decolonization.

In spite of this reservation, we have gone along with this resolution because we recognize that there is an international dispute relating to this Territory, and we cannot disagree with the sentiment that such disputes ought to be resolved peacefully through dialogue and negotiation, which we see as the basic thrust of the draft resolution we have adopted.

Mr. Medina (Cuba) *(interpretation from Spanish)*: In explanation of Cuba's position, my delegation wishes to express its full support for the Argentine claims of sovereignty over the Malvinas Islands. Cuba takes the view that Argentine sovereignty over this Territory is beyond any doubt, and we express the hope that this dispute will be solved through dialogue and cooperation between the parties concerned. That is the reason why we co-sponsored the draft resolution that has just been adopted by the Committee.

Mr. Bangali (Sierra Leone): I have asked to speak to explain our position on the draft resolution we have just adopted. My delegation has once again joined the consensus adoption of the draft resolution on the question of the Falkland Islands (Malvinas) because among other reasons, we believe in a negotiated and peaceful settlement of disputes, be they national or international, and irrespective of their character or origin.

We therefore endorse the request the draft resolution makes to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to engage in a process of dialogue aimed at the speedy resolution of this prolonged sovereignty dispute.

My delegation is also of the view that, while the two Governments seek a peaceful solution to the issue, serious consideration should be given to the interests of the population of the Islands, in accordance with the provisions of Article 73 of the United Nations Charter. We believe, therefore, that reference should be made in such a resolution in the future to the issue of self-determination for the islanders, again in accordance with the relevant provisions of the United Nations Charter.

Let me conclude by conveying our appreciation to all the petitioners and to the Minister for Foreign Affairs of Argentina for the information they provided the Committee this morning.

The Chairman *(interpretation from Spanish)*: Before I conclude this item, I should like to express our thanks to His Excellency the Minister for Foreign Affairs of Argentina and to all the petitioners who took part in the debate.

The Committee has now concluded consideration of the item.

The representative of Spain has asked to make a statement, and I now call on him.

Mr. Zulueta (Spain) *(interpretation from Spanish)*: My delegation wishes to thank you, Sir, and the other members of the Committee for granting the request of the Spanish delegation to take part in this discussion. We are also grateful to the Secretariat for preparing working document A/AC.109/1195 on the question of Gibraltar, although we regret the fact that the points of view and the information provided by my country's authorities are reflected only in an incomplete and imprecise form in the document.

The United Nations, in successive decisions taken by the General Assembly and by this Committee, has clearly

established the doctrine applicable to the question of Gibraltar, indicating that the decolonization of that Territory is not a case of self-determination but of restoration of Spain's territorial integrity, in conformity with the principles embodied in resolution 1514 (XV), the keystone of the process of decolonization put forward by the United Nations.

I should also like to recall that the British and Spanish authorities, on the basis of the joint declaration signed in Brussels in 1984, are holding bilateral negotiations with a view to solving the dispute over Gibraltar, negotiations which are addressing the questions of sovereignty and are seeking to promote cooperation to mutual benefit. I should also like to note that the Spanish authorities have on many occasions stated their full readiness to ensure due respect for the legitimate interests of the people of Gibraltar, taking also carefully into account those of the population of the Campo de Gibraltar.

The representatives of the population of Gibraltar were invited to be involved in the negotiating process, and indeed did take an active part in it until 1988, when they decided to cease participating. We hope that they will reconsider this decision and become involved in the process once again in a constructive spirit. Although it is clear that, in accordance with the General Assembly's doctrine, the principle of self-determination is not applicable to the question of Gibraltar, the Spanish Government takes the view that in the process of decolonization of the Territory, its personality and peculiar characteristics need to be taken into account, together with the legitimate interests of the population. The Spanish Government is fully ready to ensure that all such aspects are duly guaranteed in the framework of a definitive negotiated solution to the dispute, in conformity with the relevant resolutions of the General Assembly of the United Nations.

On behalf of my Government, I should like to express a reservation on Spain's position concerning certain assertions made today in this Committee. At the appropriate time, and in accordance with instructions received, we reserve the right to convey to the Committee the appropriate responses and clarifications.

Organization of work

The Chairman *(interpretation from Spanish):* If no further members of the Committee wish to speak, and taking into account the way in which the situation is proceeding, I suggest that the Committee continue consideration of the question at its next session, subject to any directives which the General Assembly might give at its forty-ninth session and that, so as to facilitate the Fourth Committee's consideration of the item, the Committee transmit to the Assembly all the related documentation.

If I hear no objection, it will be so decided.

It was so decided.

The meeting rose at 1.25 p.m.